

5/047/050



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

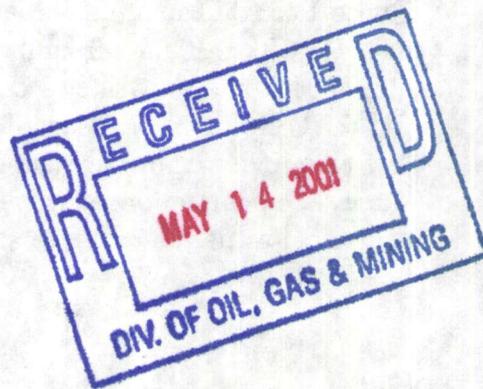
Vernal District Field Office
170 South 500 East
Vernal, Utah 84078-2799
<http://www.blm.gov/utah/vernal>

Phone: (435) 781-4400
Fax: (435) 781-4410

IN REPLY REFER TO:

3809 N
(UT-08300)
UTU-66357

MAY 10 2001



Certified Mail
Return Receipt Requested
No. 7000 1530 0003 2411 8360

DECISION

Mr. Craig Caldwell	:	Extension of Time to Complete
Bluebell Oil Company	:	Outstanding Reclamation Work at
3350 County Road #102	:	UTU-66357 Granted
Rangely, Colorado 81648	:	

Background

On November 14, 2000, a Notice of Noncompliance was issued for failure to reclaim notice UTU-66357 at the earliest feasible time. A copy of this decision is enclosed for your convenience. On May 1, 2001 you requested an extension of time to complete the reclamation work required in this Notice of Noncompliance. You also noted that another party had been conducting operations within your project area and that certain residual materials remain from those operations. We are granting an extension of time to the required reclamation work. The reclamation work, listed under items 1 and 2 in the attached Notice of Noncompliance must be completed on or before June 30, 2001. If you believe any equipment, supplies or materials left on location are the property of others, then it is your responsibility to make appropriate contacts with those parties to have such removed from the public lands.

What happens if you fail to comply?

Failure to complete the required reclamation work by June 30, 2001 will result in you being required to submit a plan of operations and mandatory bond for all subsequent operations which otherwise be conducted pursuant to a notice under 43 CFR 3809.1-3.

Can you appeal this decision?

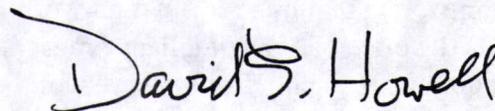
You have the right of appeal to the Utah State Director, Bureau of Land Management (P.O. Box 45155, Salt Lake City, Utah 84145-0155), in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal or modification of the decision, must be filed in writing to this office (Bureau of Land Management, Vernal Field Office, 170 South 500 East, Vernal, Utah 84078) within 30 days from the receipt of this decision. This decision will remain in effect during the appeal unless a written request for a stay is granted. If you wish to file a petition pursuant to 43 CFR 3809.4(b) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the State Director, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based upon the standards listed below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Sincerely



David E. Howell
Field Manager

enclosure

cc: Lead claimant of record Pebble Puppy #1-A (UMC366391)
Utah Div. of Oil, Gas, and Mining (S/047/050)
Utah State Office UT93513



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Mr. Craig Caldwell
Bluebell Oil Company
3350 County Road #102
Rangely, Colorado 81648

NOTICE OF NONCOMPLIANCE Failure to Reclaim Timely

Bluebell Oil Company is the operator of record to the project area under notice UTU66357 according to your June 19, 1996 letter to this office. This project area is located within Lot 8 of Section 6, T.5S., R.24E., SLM. The project area had been inactive for some years before the change of operator filing; however, placer processing equipment forming a complete processing circuit was noted within your project area was noted during a December 12, 1996 inspection. Subsequent inspections conducted on October 2, 1997, November 9, 1999, July 20, 2000 and October 23, 2000 reveal that placer mining and processing had ceased, components of the placer processing circuit had been removed from the project area and the remaining placer processing equipment has fallen into disrepair.

Our office sought information about the plans for continued operations or reclamation of your project area in letters dated May 21, 1997, October 14, 1998, January 22, 1999 [this was a courtesy copy to you of a letter to Robert Covington], April 14, 1999, July 23, 1999, November 18, 1999, and January 11, 2000. A January 19, 1999 from Bluebell, signed by Robert Covington projected a May 19, 1999 date for commencement of reclamation and hinted that there would be future operations within the UTU66357 project area. Your letter of December 10, 1999 alluded to plans for reclamation by June 15, 2000, and removal of trash and equipment except for that needed for mining, extraction and concentrating. To date, there has been neither a resumption of placer mining operations within Bluebell's project area nor reclamation of disturbances under notice UTU66357.

The surface management regulations state that “At the earliest feasible time, the operator shall reclaim the area disturbed,...”, 43 CFR 3809.1-3(d)(3). Because there have been no placer mining operations within your project area for nearly four years, the following is ordered.

1. All equipment, supplies, trash and litter, and man-made improvements on or in the immediate vicinity of Bluebell’s project area (location shown on enclosure 1) shall be removed on or before May 1, 2001. This shall include the removal of any buried lines, including subsurface power lines.

2. All surface disturbances within the area of past placer mining (purple stippled pattern on enclosure 1) is to undergo reshaping, redistribution of topsoil, and seeding on or before June 1, 2001. In addition to the minimum standards for reclamation under 43 CFR 3809.1-3(d)(4) (see highlight on page 790 of enclosure 2) the guidelines for reclamation found in our correspondence dated April 14, 1999 (enclosure 3) and as well as items a. through e. (below) shall be followed.

a. The operator is responsible for the control of noxious weeds and invasive non-native plants within the project area. The control method you employ must be discussed in advanced with the Noxious Weed Control Coordinator at the Vernal Field Office.

b. Seed used in reclamation must be shown to be noxious weed free as per Utah Department of Agriculture regulations. You should ask the vendor providing you the seed to give you written confirmation of the content of the seed used in reclamation along with a statement that it meets Utah Department of Agriculture requirements as being noxious weed free. A copy of these documents shall be provided to the Vernal Field Office within 5 working days of the initiation of seeding.

c. Less than 10,000 pounds of any chemical(s) from EPA's Consolidated list of Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, and less than the Threshold Planning Quantity (TPQ) of any extremely hazardous substance(s), as defined in 40 CFR 355, shall be used, produced, transported, stored, disposed, or associated with the reclamation operations. Vehicle and equipment fuel, lubricants, antifreeze and battery acid would be the only hazardous materials used or associated with the reclamation. You will reduce risks of damages as a result of releases by immediately cleaning up any spills of fuels, lubricants, antifreeze or battery acids; and disposing of such in an approved waste disposal facility.

d. The operator shall notify the Vernal Field Office at least two working days prior to the commencement of reclamation and no later than two working days following the completion of reshaping, redistribution of topsoil, filling of test pits and initial seeding of all disturbances, which ever comes last.

e. Following the above steps and notification under 1.d., the Vernal Field Office and the operator will periodically inspect the area to determine the degree of stability and monitor the revegetation of the area. If any stability or vegetation problems are identified, the operator shall

be responsible for correcting such. If, after two growing seasons the area is stable and the density of native vegetation is comparable to surrounding undisturbed lands, the BLM would close the surface management case.

Failure to comply will result in the issuance of a record of noncompliance (under the provision of 43 CFR 3809.3-2. During the term of a record of noncompliance, you would be required to file a plan of operation and 100 percent reclamation bond for any the operation under surface management case UTU66354 and any other operation, other than under casual use, conducted by you on any lands administered by the BLM.

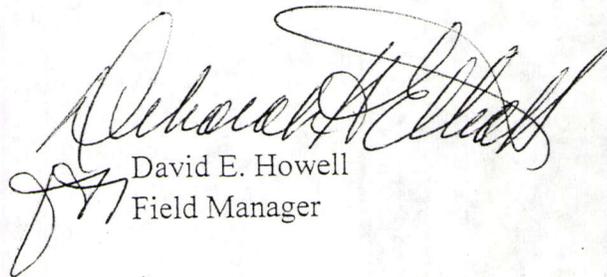
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Sincerely



David E. Howell
Field Manager

enclosures

cc: Lead claimant of record Pebble Puppy #1-A (UMC366391)
Utah Div. of Oil, Gas, and Mining
Utah State Office UT093100

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bcc: reading file
surface management case file UTU66357